

Case No. 3:21-cv-00198-SLG

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2022,  
upon consideration of the United States’ Motion to Bifurcate Trial, and  
all documents filed in support thereof and opposition thereto, it is hereby  
ORDERED that the Motion to Bifurcate is GRANTED. It is further  
ORDERED that the Court will first proceed by bench trial to address  
the second aspect of Count III in Plaintiffs’ complaint for equitable relief  
regarding whether and to what extent CBP accorded “treatment” to

transactions involving merchandise transported over the BCR Route and, therefore, may be barred from assessing penalties for Plaintiffs' use of the BCR Route during the time Plaintiffs failed to have a rate tariff on file with the STB. Following a ruling on this first issue, the Court will then, if necessary, schedule a separate trial to address the United States' claim for penalties.

IT IS SO ORDERED.

---

Dated

---

Sharon L. Gleason  
Chief United States District Judge